

REMARKS

Claims 1-8, 10, and 15-19 stand rejected. Claims 1, 3, 5, 7, and 8 have been amended, claims 2, and 6 have been cancelled, and claims 61 and 62 are new. Claims 9, 11-14, 20-52, and 54-58 are withdrawn from consideration.

Claims 1-3, 5-8, 10 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,497,708 (Cumming). Applicant has amended claim1 to clarify that each member has a concave recess, and that the recesses form at one limit position of the relative sliding movement of the members a cavity which defines the tubular outward configuration of the rolled lens. At least one of the members is shaped to provide an abutment surface with which a lens being rolled is brought into contact during relative sliding movement of the members, thereby restraining the lens against rotational movement within the cavity and to cause spiral rolling of the lens. Applicant submits that Cumming does not teach such a device.

Rather Cumming teaches a device that folds a lens rather than rolls it. This is clear not only from the references throughout the document to “foldable intraocular lenses” and to the lens being “folded” and having “folded” and “unfolded” configurations, but also from the absence in the specification of any reference to a lens being rolled or rollable. Moreover, it is clear from the drawings of the specification, particularly Figures 8, 9, 10, 11A and 11B that the lens with which the instrument is used is not rolled but rather is folded into a U- or C- shaped configuration as shown in Figures 8, 9, 10 and 11B. In any event, even if one were to accept (which applicant does not) that the change of configuration of the lens in Cumming, despite all references to the change of configuration being one of folding rather than rolling, still involves a rolling operation, it is certainly not an operation which involves the rolling of a lens into a spiral configuration, as claimed. Arguably the device disclosed in Cumming is incapable of forming a lens into a spiral configuration. In that regard and referring to Figures 11A and 11B, a ridge 33 on the ram 32 would prevent the leading edge of a lens 16 from passing beneath the trailing edge to begin to produce a spiral configuration, even if there were sufficient travel of the ram to take the lens beyond the Figure 11B configuration.

Therefore applicant submits that Cumming is in complete contrast to applicant’s claimed device and the spirally-rolled configuration of the lens which is produced by operation of the

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device. For at least these reasons applicant submits that Cumming does not anticipate claim 1. Accordingly, applicant submits that claim 1 (and claims 3-5, 7-8, 10, 15-19, and 61-62) are in condition for allowance.

Based on the foregoing, applicant respectfully requests a Notice of Allowance for claims 1, 3-5, 7-8, 10, 15-19, and 61-62. If the Examiner determines that a telephone conference would further the prosecution of this case, she is invited to telephone the undersigned at her convenience.

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